

Message Text

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ACTION EB-08

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TO SECSTATE WASHDC PRIORITY 8478

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E.O. 11652: NA
TAGS: EAIR, JA
SUBJECT: CIVAIR: GOJ NOTE VERBALE OF JUNE 2, 1978

REF: TOKYO 6539

1. FOLLOWING IS EMBASSY TRANSLATION OF JUNE 2 MOFA NOTE VERBALE ISSUED IN REPLY TO EMBASSY'S AIDE MEMOIRE OF APRIL 13 (STATE 93128). IT IS ESSENTIALLY A REASSERTION OF PREVIOUS GOJ POSITIONS COUPLED WITH A CALL FOR IMMEDIATE CORRECTION OF THE SO-CALLED "ABUSE" OF FIFTH FREEDOM BY NORTHWEST. ADDITIONAL COMMENTS RE MOFA FIRST NORTH AMERICA DIVISION DIRECTOR WATANABE'S ORAL PRESENTATION OF NOTE FOLLOW SEPTTEL.

2. QUOTE: THE MINISTRY OF FOREIGN AFFAIRS HAS THE HONOR TO CONVEY ITS RESPECTS TO THE EMBASSY OF THE UNITED STATES OF AMERICA IN JAPAN, AND IN CONNECTION WITH THE AIDE MEMOIRE OF THE AMERICAN EMBASSY, DATED APRIL 13, 1978, HAS THE HONOR TO CONVEY AS FOLLOWS: THE JAPAN-UNITED STATES AVIATION NEGOTIATIONS HAVE BEEN HELD SEVERAL TIMES SINCE OCTOBER 1976 FOR THE PURPOSE OF CORRECTING THE IMBALANCE IN JAPAN-UNITED STATES AVIATION RELATIONS. AT THE NEGOTIATIONS HELD IN MARCH OF THIS YEAR, THE JAPANESE SIDE
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CONSIDERED THAT IT WAS IMPORTANT IN ORDER TO PROMOTE FULL-SCALE REVISION NEGOTIATIONS IN THE FUTURE, TO STRIVE FOR A REALISTIC AND PROVISIONAL SETTLEMENT; FROM THIS VIEWPOINT, THE JAPANESE SIDE WENT NO FURTHER THAN TO MAKE PARTIAL ASSERTIONS IN REGARD TO THE BASIC POLICY FOR THE CORRECTION OF THE IMBALANCE, WHICH IT HAD BEEN ASSERTING FROM THE PAST, AND MADE UTMOST EFFORTS TO EXPLORE MEASURES

FOR SETTLEMENT. THE JAPANESE GOVERNMENT CANNOT BUT FEEL DEEP REGRET THAT, DESPITE THIS FACT, IT WAS NOT POSSIBLE, EVEN TO REACH A PROVISIONAL AGREEMENT, DUE TO THE UNITED STATES SIDE'S RIGID ATTITUDE ON NEGOTIATIONS. CONSEQUENTLY, THE JAPANESE SIDE DESIRES THAT, AT THE NEXT ROUND OF NEGOTIATIONS SLATED TO BE RESUMED THIS AUTUMN, THE UNITED STATES SIDE WILL UNDERSTAND FULLY THE AIRPORT CIRCUMSTANCES, ETC., OF THE JAPANESE SIDE, AND WILL TAKE A REALISTIC AND FLEXIBLE ATTITUDE. IT ALSO HOPES THAT A RATIONAL AND AMICABLE SETTLEMENT WILL BE REACHED FOR THE CORRECTION OF THE IMBALANCES. THE MINISTRY OF FOREIGN AFFAIRS HAS THE HONOR TO NOTIFY AS FOLLOWS THE JAPANESE SIDE'S BASIC POSITION CONCERNING THIS QUESTION.

1. (1) THE JAPANESE SIDE CONSIDERS THAT THERE IS AN IMBALANCE IN AVIATION RIGHTS, SUCH AS ROUTE RIGHTS, THE RIGHT TO POINTS BEYOND, AND IN TRANSPORTATION CAPACITY, IN THE JAPAN-UNITED STATES CIVIL AVIATION AGREEMENT NOW IN FORCE, AND THAT THE JAPANESE SIDE'S AVIATION ENTERPRISES HAVE NOT BEEN GIVEN AN OPPORTUNITY FOR FAIR AND EQUAL COMPETITION. CONSEQUENTLY, IT CONSIDERS THAT THESE IMBALANCES SHOULD BE CORRECTED, FIRST, AND THAT, THROUGH COMPETITIVE RELATIONS, BASED ON THE EQUALITY OF OPPORTUNITY, ETC. THE ENTERPRISES OF BOTH COUNTRIES SHOULD PROMOTE THE DEVELOPMENT OF AVIATION RELATIONS BETWEEN THE TWO NATIONS. THE LIMITED OFFICIAL USE

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JAPANESE SIDE CONSIDERS THAT THE LIBERALIZATION OF CHARTER FLIGHTS AND THE INDUCTION OF LOW FARES, WHICH THE UNITED STATES SIDE IS CALLING FOR, AS THE PREMISING CONDITIONS FOR THE SETTLEMENT OF THE NEGOTIATIONS, ARE PROBLEMS WHICH SHOULD BE STUDIED AFTER THE ABOVE-MENTIONED IMBALANCES ARE CORRECTED.

(2) THE JAPANESE SIDE CONSIDERS THAT THE FOLLOWING CONCRETE EFFORTS SHOULD BE MADE IN ORDER TO CORRECT THESE IMBALANCES:

.. (1) AS REGARDS THE RIGHT TO ROUTES, THE INCREASING OF THE POINTS OF ENTRY WITHIN THE UNITED STATES FOR THE JAPANESE SIDE, AND THE SPECIFIC DESIGNATION OF THE POINTS OF ENTRY FOR BOTH THE JAPANESE AND THE UNITED STATES SIDES, SO AS TO ENABLE THE ENTERPRISES OF BOTH JAPAN AND THE UNITED STATES TO CONDUCT OPERATIONS WITH EQUAL OPPORTUNITY.

.. (11) AS REGARDS THE RIGHT TO POINTS BEYOND, THE INCREASING OF THE POINTS BEYOND FOR THE JAPANESE SIDE, AND THE SPECIFIC DESIGNATION OF THE UNITED STATES SIDE'S RIGHT TO POINTS BEYOND TO CORRESPOND TO THE JAPANESE SIDE'S RIGHT TO POINTS BEYOND.

.. (111) AS REGARDS THE NUMBER OF ENTERPRISES, THE GENERAL PRINCIPLE SHOULD BE ONE COMPANY EACH FROM JAPAN AND THE UNITED STATES FOR ONE ROUTE, FOR EACH ROUTE, AND APPROPRIATE CO-ORDINATION SHOULD BE MADE IN ADVANCE IN REGARD TO TRANSPORTATION CAPACITY.

(3) AS FOR THE HANDLING OF THE AGREED MINUTES OF 1959, IT WAS NOTIFIED, ON THE OCCASION OF THE NEGOTIATIONS IN MARCH, THAT "THERE ARE VARIOUS KINDS OF DIFFICULTIES FOR THE IMPLEMENTATION OF THE PROCEDURES CONCERNING THE

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INCREASING OF FLIGHTS, BASED ON THE AGREED MINUTES OF 1959, IN THE LIGHT OF THE LIMITATIONS OF THE AIRPORT SITUATIONS IN JAPAN, SO LONG AS THESE SITUATIONS CONTINUE." AS STATED IN THIS NOTIFICATION, THE SAID AGREED MINUTES WERE DRAWN UP IN CONNECTION WITH THE OPERATION OF THE AGREEMENT, UNDER THE INTERNATIONAL AVIATION SITUATION AT THE TIME, ROUGHLY 20 YEARS AGO, AND IF THE RAPID DEVELOPMENT AND CHANGES IN AIR TRANSPORT SINCE THEN, AND THE ACTUAL SITUATION OF THE AIRPORT CIRCUMSTANCES, THE ENVIRONMENTAL PROBLEM, ETC., IN JAPAN ARE TAKEN INTO CONSIDERATION, IT IS CLEAR THAT THEY ARE NO LONGER IN CONFORMITY WITH THE PRESENT SITUATION. AT ANY RATE, IT IS CONSIDERED THAT THE SAID AGREED MINUTES SHOULD BE ABROGATED.

(4) AS FOR THE EXERCISE OF FIFTH FREEDOM, WHEN THE SO-CALLED IMMEDIATE PROBLEMS WERE RESOLVED IN JULY OF LAST YEAR, REFERENCE WAS MADE TO THIS ISSUE IN THE AGREED MINUTES OF JULY OF LAST YEAR. DESPITE THIS

FACT, NECESSARY MEASURES HAVE NOT YET BEEN TAKEN. IN VIEW OF THIS FACT, THE UNITED STATES SIDE SHOULD SETTLE ALL POINTS, RAISED BY THE JAPANESE SIDE, AT AN EARLY DATE, SEPARATELY FROM THE NEGOTIATIONS FOR A REVISION OF THE AGREEMENT. ESPECIALLY, OVERNIGHT STAY SHOULD BE LIMITED OFFICIAL USE

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IMMEDIATELY DISCONTINUED, AND MEASURES SHOULD BE CARRIED OUT QUICKLY FOR THE LOWERING OF THE RATIO OF TAKING ON BOARD LOCAL TRAFFIC BY FLIGHTS PROCEEDING TO POINTS BEYOND, TO BELOW THE RATIO FOR DIRECT FLIGHT DEMANDS. IN CONNECTION WITH THESE POINTS, THE JAPANESE GOVERNMENT RESERVES THE RIGHT TO TAKE NECESSARY MEASURES, IN CASE THE UNITED STATES DOES NOT, IN VIEW OF THE FACT THAT FULL CONSULTATIONS HAVE ALREADY BEEN HELD ON THIS PROBLEM.

(5) AS FOR THE ACTUAL STATE OF JAPAN'S AIRPORT CAPACITY, IT REMAINS AS HAS BEEN REPEATEDLY EXPLAINED BY THE JAPANESE SIDE AT PAST NEGOTIATIONS AND ON THE OCCASIONS OF UNOFFICIAL FEBRUARY CONSULTATIONS ON THE AIRPORT PROBLEM. THE JAPANESE SIDE WILL GIVE FAIR AND EQUAL TREATMENT IN THE USE OF AIRPORT CAPACITY, BUT SO LONG AS THE CORRECTION OF BASIC IMBALANCES IS NOT SETTLED, THE JAPANESE SIDE THINKS THAT IT WILL HAVE NO CHOICE BUT TO CONSIDER THE CORRECTION OF THE DIFFERENTIALS, WHICH HAVE ARISEN FROM THE FACT THAT, SO FAR, AMERICAN ENTERPRISES HAVE BEEN GIVEN VERY ADVANTAGEOUS TREATMENT, COMPARED WITH THE JAPANESE SIDE'S ENTERPRISES AND THE ENTERPRISES OF OTHER COUNTRIES.

2. AS REGARDS THE VARIOUS POINTS REFERRED TO IN THE AIDE MEMOIRE MENTIONED AT THE VERY BEGINNING, THE JAPANESE SIDE'S VIEWS CONCERNING THEM ARE AS FOLLOWS:

(1) CONCERNING THE INDUCTION OF LOW FARES, THE JAPANESE SIDE HAS NO OBJECTIONS TO THE INDUCTION OF LOW FARES, WHICH ARE PROPERLY SUITED TO THE MARKET, WITHIN THE SCOPE OF COMPATIBILITY BETWEEN THE SAFE OPERATION OF AIRCRAFT AND THE COMMERCIAL PAYABILITY OF AIRLINE ENTERPRISES. HOWEVER, AS FOR THE AIR-FARES FOR WHICH LIMITED OFFICIAL USE

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AN APPLICATION WAS FILED BY THE NORTHWEST AIRLINES AND PAN AMERICAN AIRLINES IN MARCH OF THIS YEAR, THEY CANNOT BE APPROVED, FOR THE REASONS CLARIFIED IN THE FOREIGN MINISTRY'S NOTE VERBALE BEI HOKU 1 NO. 99, DATED

APRIL 13, 1978. ALSO, PAN AMERICAN AIRLINES'
SO-CALLED BUDGET FARES ALSO CANNOT BE RECOGNIZED, FOR
THE REASONS MADE CLEAR IN THE FOREIGN MINISTRY'S NOTE
VERBALE BEI HOKU 1 NO. 376, DATED DECEMBER 23, 1977.
HOWEVER, IF THE UNITED STATES SIDE DESIRES THE HOLDING
OF CONSULTATIONS CONCERNING THESE AIR-FARES, THE
JAPANESE SIDE IS PREPARED TO RESPOND.

(2) CONCERNING THE EASING OF RESTRICTIONS ON CHARTER
FLIGHTS, PROPERLY SUITED TO THE JAPAN-UNITED STATES
MARKET, THE JAPANESE SIDE IS ALSO CONDUCTING EARNEST
STUDIES. HOWEVER, IT THINKS THAT THE LIBERALIZATION OF
CHARTER FLIGHTS, AS IS BEING CALLED FOR BY THE UNITED
STATES SIDE, HAS THE DANGER OF CAUSING CONFUSION IN THE
MARKET, AND THEREFORE, IT CANNOT BE ACCEPTED.

(3) THE OPERATION OF CHARTER FLIGHTS BY THE UNITED
STATES' SUPPLEMENTARY ENTERPRISES IS A PROBLEM OUTSIDE
THE FRAMEWORK OF THE AGREEMENT NOW IN FORCE, AND THE
JAPANESE SIDE CANNOT ACCEDE TO THE WISHES OF THE UNITED
STATES SIDE AT THE PRESENT STAGE WHERE NO PROGRESS HAS
BEEN SEEN IN THE NEGOTIATIONS FOR THE REVISION OF THE
AGREEMENT.

(4) AS REGARDS THE PROBLEMS OF THE HANLDING OF IMPORT
GOODS AND THE CHARGES FOR THE USE OF THE AIRPORT AT
NARITA AIRPORT, THE VIEWS REMAIN AS CLARIFIED AT THE
UNOFFICIAL CONFERENCE ON THE AIRPORT PROBLEM HELD IN
FEBRUARY OF THIS YEAR, AND AT THE NEGOTIATIONS IN MARCH

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OF THIS YEAR.

3. IN THE LIGHT OF THE VIEWS SET FORTH IN THE FOREGOING,
THE JAPANESE SIDE REQUESTS THAT, UNTIL THE NEXT ROUND
OF NEGOTIATIONS IS RESUMED, THE UNITED STATES SIDE
REFRAIN FROM MAKING APPLICATIONS FOR THE ENTRY OF NEW
ENTERPRISES INTO OUR COUNTRY, THE ADDITION OF NEW
POINTS OF ENTRY, AND THE INCREASING OF FLIGHTS, EXCEEDING
THE SLOT FRAMEWORK NOW IN FORCE, EVEN IN ORDER TO PREVENT
THE CAUSING OF UNNECESSARY FRICTION IN JAPAN-UNITED
STATES AVIATION RELATIONS, AND ALSO THAT IT WILL TAKE
MEASURES TO PREVENT THE MISUSE OF FIFTH FREEDOM. END
QUOTE.
MANSFIELD

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